

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRR No. 3396 of 2013 (O&M)

Date of decision: 19.07.2017

Subodh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. A. K. Bishnoi, Advocate,
for the petitioner.

Mr. R. K. Ambavta, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

1. This is a revision petition instituted by Subodh Kumar son of Zile Singh, who was held guilty for committing offences under Section 341, 354, 452 and 506 of the IPC, vide judgment dated 18.04.2012 passed by the Judicial Magistrate First Class, Bahadurgarh. Vide order on sentence of the even date, he was sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs. 1500/-; in default of payment of fine, to further undergo rigorous imprisonment for one month.

2. In appeal against the aforesaid judgment, learned Additional Sessions Judge, Jhajjar maintained the conviction of revisionist recorded by the learned trial Court. Vide judgment dated 21.09.2013, the conviction recorded against the revisionist and the sentence awarded to him by the learned trial Court were affirmed.

3. Against the impugned judgments dated 18.04.2012 and 21.09.2013, passed by the trial Court as well as by appellate Court, accused Subodh Kumar has come up in this revision petition before this Court.

4. In brief, the facts of the case are that on 05.03.2006, complainant-Dr. Madhulika, wd/o Dr. Rajesh Verma, resident of H. No. 311, Sector 6, Bahadurgarh, submitted an application to ASI Jai Kishan, Incharge of Police Post, Sector 6, Bahadurgarh, wherein, she stated that she was working with ESI Dispensary, Bahadurgarh. One Subodh was on visiting terms with her husband, however, after the death of his husband, he started harassing her continuously. In the evening of 04.03.2006, the complainant reached in Sector 6 market after getting off her duty. Accused Subodh reached the market in his jeep bearing No. HR-12-D-5203. He stood obstructing the way of the complainant and stated that he would go the complainant's home with her. However, the complainant avoided him and started to go home in her car. Thereupon, accused Subodh attempted to hit the complainant with his jeep. The complainant reached her home somehow. She narrated the whole incident to one Dr. Yadav, DMO, Jhajjar. After sometime, the accused entered into the complainant's home and caught hold of the complainant's hand with bad intention. The complainant raised noise whereupon the accused threatened to kill her. He went out of the home threatening the complainant. The accused started his jeep and abused the complainant. The accused hit the complainant's car twice with his jeep causing damage to the complainant's car. Meanwhile, Dr. I. A. Yadav, DMO, Jhajjar also arrived at the place of occurrence and then the accused ran away seeing him. Consequently, on the complaint of Dr. Madhulika, an FIR bearing No. 42 dated 05.03.2006, under Sections 341, 354, 452 and 506 of the IPC was registered at Police Station City Bahadurgarh. After completion of the investigation, challan was filed.

5. Finding a prima-facie case against the accused, he was charge-

sheeted for committing offence punishable under Section 341, 354, 452 and 506 of the IPC to which he did not plead guilty but claimed trial. After taking entire prosecution evidence, statement of accused, under Section 313 Cr.P.C., was recorded, wherein accused denied each prosecution allegation and pleaded his innocence.

6. After hearing both the counsel for the parties and appraising the entire evidence and material on record, the revisionist was firstly convicted by the learned trial Court and thereafter the judgment of conviction was maintained by the learned Additional Sessions Judge, Jhajjar as mentioned in the earlier part of this judgment.

7. I have heard learned counsel for the parties besides appraising the entire evidence and material on record.

8. After arguing for sometime, learned counsel for the petitioner/revisionist contended that in-fact revisionist has already undergone substantive period of sentence i.e. 6 months and 16 days as per custody certificate produced on file today in the Court. The total period of sentence awarded is two years. Accused-revisionist has already faced protracted trial. He does not assail the findings of the conviction recorded against the revisionist by both the Courts below in case the sentence of revisionist is reduced to the one already undergone.

9. Ms. Harpreet Kaur, AAG, Haryana, also has no serious objection regarding the argument of learned counsel for the revisionist.

10. From the custody certificate, placed on file today in the Court, it is evident that the revisionist has already undergone 6 months and 16 days sentence inclusive of remissions. The total period of sentence awarded is two years. The case is of the year 2006. Revisionist has faced protracted

trial. During this period of 11 years, the revisionist has undergone agony of trial. The total period of sentence awarded to him was two years. Out of which he had already undergone substantive period of sentence i.e. 6 months and 16 days. Under these circumstances, I am of the considered view that the ends of justice would be met in case the order of sentence is modified by reducing the sentence of revisionist to the one already undergone. Accordingly, the order of sentence dated 18.04.2012 which was affirmed by the learned Additional Sessions Judge, Jhajjar vide judgment dated 21.09.2013; is modified by reducing the sentence of the revisionist to the one already undergone. However, the sentence of fine shall remain intact.

11. Disposed of, accordingly

July 19, 2017
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No